

REMARKS

Claims 9 and 26 have been amended to remove the typographical errors, and claims 1, 5, 26, and 31 have been amended to further clarify the invention in view of the cited references. Claims 1-31 are pending in the present application.

Office Action of February 6, 2006

Applicants have carefully reviewed and considered the Office Action of February 6, 2006. Applicants hereby request entry of this Response and further consideration of the present application in view of the following remarks.

In the Office Action, claims 9 and 26 were objected for informalities, and claims 1,-4, 6-16, 18-27, and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by "pick 3" and "pick 4" games implemented by Illinois State Lottery Department (Illinois Lottery). The Office Action also rejected claims 5, 17, 28, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Illinois Lottery. Applicants respectfully traverse these grounds of rejection and request reconsideration thereof in view of the following remarks.

Claim Objection

Claims 9 and 26 have been amended to remove the typographical errors. Applicants respectfully requests the objection be withdrawn.

Rejection under 35 U.S.C. §102(b)

Claim 1

The Office Action rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Illinois Lottery. The Office Action stated that Illinois Lottery discloses a game method that accepts entry from a plurality of players, wherein each entry comprises of predetermined number of entry numbers to be picked by the players. The state determines the outcome of the lottery games by drawing or selecting random winning numbers, and comparing the drawing numbers with the entry numbers picked by the players to determine whether each entry is a winning entry. Applicants traverse the rejection.

Amended claim 1 is directed to a lottery game wherein the outcome of the lottery game is determined by a selection of a predetermined number of drawing numbers and the drawing numbers being independently determined by different lottery game jurisdictions. The amendment is fully supported by the specification ([0067]-[0068] and FIG. 8).

"Pick 3" and "Pick 4" games disclosed by Illinois Lottery are hosted by one single state authority, i.e. one lottery game jurisdiction. A player may play multiple sets of numbers, but every set will be compared with a single set of winning number determined by that single state authority. In contrast, amended claim 1 discloses a game that allows a player to play multiple sets of numbers and each set against a winning number generated by a different lottery authority. Amended claim 1 presents to a player an apparent greater winning opportunity by having potential multiple winning numbers to which his entries will be matched against.

In order to anticipate claim 1, the cited reference must disclose or suggest every element of claim 1 (MPEP §2131). Because Illinois Lottery does not disclose the element of selecting drawing numbers that have been independently determined by other lottery game jurisdictions, Illinois Lottery cannot anticipate claim 1. Therefore, Applicants submit claim 1 is patentable over Illinois Lottery and allowance thereof is requested.

Claims 2-4, 6-11, 13-16, and 18-25

The Office Action rejected claims 2-4, 6-11, 13-16, and 18-25 as being unpatentable over Illinois Lottery. Applicants traverse the rejections.

Claims 2-4, 6-11, 13-16, and 18-25 depend from claim 1 and further add steps to the method of claim 1. Therefore, Applicants submit that claims 2-4, 6-11, 13-16, and 18-25 are patentable over the cited reference for at least reasons stated above with respect to the patentability of claim 1, and the allowance thereof is requested.

Claim 12

The Office Action stated that the number of winning numbers for “Pick 3” and “Pick 4” are different, therefore, that the Illinois Lottery anticipates claim 12. Applicants traverse the rejection and disagree with the Examiner’s interpretation.

“Pick 3” and “Pick 4” are played independently. A player either chooses three numbers to play “Pick 3” or chooses four numbers to play “Pick 4.”

In contrast, claim 12 states that “at least one of the multi-digit entry numbers comprises a different number of digits than the other multi-digit entry numbers.” In claim 12, it is possible to have an entry with three numbers while other entries have four numbers.

Therefore, in view that Illinois Lottery does not disclose “at least one of the multi-digit entry numbers comprises a different number of digits than the other multi-digit entry numbers,” Illinois Lottery cannot anticipate claim 12 and Applicants respectfully request the rejection be withdrawn and claim 12 allowed.

Claim 26

The Office Action rejected claim 26 under 35 U.S.C. §102(b) as being anticipated by Illinois Lottery. Applicants traverse the rejection.

As stated above with respect to the patentability of claim 1, Illinois Lottery does not disclose selecting drawing numbers that have been independently determined by other organizations, therefore, Illinois Lottery cannot anticipate amended claim 26 (MPEP §2131). Therefore, Applicants submit amended claim 26 is patentable over Illinois Lottery and allowance thereof is requested.

Claims 27 and 29

The Office Action rejected claims 27 and 29 as being unpatentable over Illinois Lottery. Applicants traverse these rejections.

Claims 27 and 29 depend from claim 26 and further add steps to the method of claim 26. Therefore, Applicants submit that claims 27 and 29 are patentable over the cited reference for at least reasons stated above with respect to the patentability of claim 26, and the allowance thereof is requested.

Rejection under 35 U.S.C. §103(a)

Claims 5, 17, and 31

The Office Action rejected claims 5, 17 and 31 as being unpatentable over Illinois Lottery. Applicants traverse the rejection.

The Office Action stated that it would have been obvious matter of design choice to a person of ordinary skill in the art to have a plurality of states to select the winning numbers. The Applicants disagree.

"To support the conclusion that the inventor claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teaching of the references," Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), cited by MPEP 706.02(j). The Office Action failed to do so. The Office Action states that "one of ordinary skill in the art would have expected applicant's invention to perform equally well with having one state do all the winning number drawings." The statement simply does not appreciate the claimed invention.

As stated above for claim 1, a lottery game according to claims 5, 17 and 31 offers an apparent greater, and thus more enticing, winning opportunity to the players, because the player, instead of matching his entry numbers against one single set of winning numbers, can match each entry with different independently drawn winning number. The lottery authority does this without the necessity of conducting additional number drawings as stated in [0068].

In order to render a claim obvious, the cited references must disclose or suggest all elements of the claim (MPEP §2142). Applicants submit that Illinois Lottery failed to disclose or provide any suggestion or motivation for claims 5, 17 and 31; therefore, Applicants submit that claims 5, 17 and 31 are patentable over the cited reference, and the allowance thereof is requested.

Claims 28 and 30

The Office Action rejected claims 28 and 30 as being unpatentable over Illinois Lottery. Applicants traverse the rejections.

Claims 28 and 30 depends from claim 26 and further adds steps to the method of claim 26. Therefore, Applicants submit that claims 28 and 30 are patentable over the cited reference for at least reasons stated above with respect to the patentability of claim 26, and the allowance thereof is requested.

Prior Art Made of Record

Applicants have reviewed the cited references, U.S. Pat. Nos. 4,273,335, 5,106,089, 5,112,050, 5,116,049, 5,186,463, 5,232,221, 5,273,281, 5,851,010, 6,406,019, 6,416,408, 6,592,454, 6,783,456, 6,830,514, 6,702,668, and U.S. Pat. Application Nos. 20030134672, 20040102239, 20050064930, and 20050181858, and Scarne's New Complete Guide To Gambling, by John Scarne, Simon and Schuster Publishing (1974, New York), and agreed that they are pertinent to the present disclosure but do not singly or in combination render any claim of the present application unpatentable.


Conclusion

In view of the foregoing remarks, Applicants respectfully submit that Claims 1-31 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (404-815-3383) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,
Lathrop et al.
By their Representatives,

Carlton Fields, P.A.
1201 West Peachtree Street, Suite 3000
Atlanta, GA 30309
Telephone: 404-815-3400
Fax: 404-815-3415
Customer No. 49358

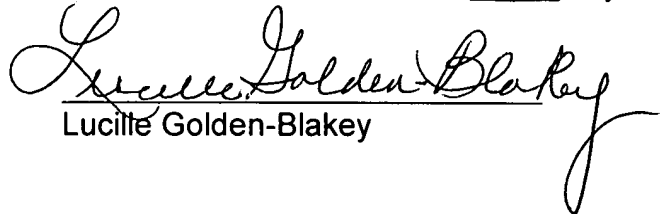


Li K. Wang
Reg. No. 44,393

Date

3/15/2006.

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, Alexandria, VA 22313-1450, on this 15th day of March, 2006.



Lucille Golden-Blakey